

In the District Court of the United States
For the Middle District of Alabama
Northern Division

^{Daniel}
Thomas ~~Amos~~ Veitch AWS180586
Plaintiff
V
D.K. Corkran, et al.,
Defendants

RECEIVED
2008 AUG 22 A 10:45
JEDRA P. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case No.: 2:08-cv-0043MEF
Motion to the Court ordering
Defendants response to Request

Comes now the Plaintiff Thomas D. Veitch in the above named case pursuant to Federal Rules of Civil Procedure Rule 37 (b) Failure to comply with a court order 1970 amendment subdivision (b).

Plaintiff asks the court to order Defendants Cheif Art Bayler and Cpl. D.K. Corkran to respond to the request on page 2 of this motion to supplement defendants answer to court order Document 12-1 filed on 2-29-08 by this court.

Plaintiff asks this court to impose any sanctions on the Defendants for failure to fully comply with a court order; that the court deems appropriate; should the Defendants be shown to be withholding any electronically stored evidence i.e., additional car dash camera footage not initially produced under court order document 12.1 filed on 2-29-08, as the plaintiff would view incomplete disclosure as a stalling tactic by the Defendants, as the State routinely destroys stored evidence in a criminal case one year after conviction or in this case 10-23-08.

Request of Defendants to Comply Fully with Court Order

This request by the plaintiff in Case #2:08-cv.00043MEF to Defendants, Chief Art Baylor and Cpl. D. K. Corkran is accordance with Federal Rules of Civil Procedure Rule 37(b), Failure to comply with a court order, 1970 Amendment Subdivision (b) as required to give the defendants a chance to supplement response to court order document II 12-1, filed 2-29-08 ordering defendants in the 3rd paragraph to produce ANY electronically stored evidence i.e., film footage of the arrest of the plaintiff on October 26, 2006. Defendants responded on the 17th day of March, 2008 to the courts order by sending one compact disk to the court from defendants D.K. Corkran's patrol car dash cam, only. As there were multiple police units on the scene of the arrest at the time of the arrest of Plaintiff, Thomas Daniel Veitch, there may be more film from these other patrol vehicles. Defendants did not submit copies of Police Department records, log books or lists, stating that D.K. Corkran's vehicle was the only vehicle at the scene on October 26, 2006 which had a dashboard cam or was recording the arrest. Due to these oversights, the Plaintiff cannot be sure all dash camera footage was produced. As there is a 1 year time limit for the retention of evidence in a State case, Plaintiff requests defendants produce ANY dash cam film of arrest or document copies attesting to the fact that there is no more such evidence.

Certificate of Service

I hereby certify that I have mailed to the court clerk and both defendants, Chief Art Baylor and Cpl. D. K. Corkran by United States Postal Service the above named document on this the 8th day of August, 2008

Thomas Daniel Veitch
AIS 180586

Thomas Veitch 180586
Plaintiff, Pro Se

Thomas Veitch 180586
Dorm H Bed 47A
Po Box 150
Mt. Weigs AL 36057



LEGAL MAIL

"This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the Alabama Department of Corrections is not responsible for the substance or content of the enclosed communication."

Office of the Clerk
United States District Court
Po Box 711
Montgomery AL 36101-0711

36101+0711

